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May 24, 2007

\*ADMITTED IN NY & NJ  
\*\*ADMITTED IN NY ONLY  
\*\*\*ADMITTED IN NY & CA  
†ADMITTED IN NY, NJ & PA  
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**By Fax and Email:**

Andrew Laskin, Esq.  
Robinson & Yablon, P.C.  
232 Madison Avenue, Suite 1200  
New York, New York 10016

Re: Burke v. Rodriguez  
07 CV 3732  
Our File No.: 2921

Dear Mr. Laskin:

We are in receipt of the copy of the subpoena that you emailed to me yesterday that your office previously served on Morgan Stanley. The subpoena is both premature and otherwise improper and we demand that it be withdrawn immediately.

The subpoena is premature under Fed. R. Civ. Pro. 26 (d) which states that a party may not seek discovery **from any source** before the parties have conferred as required by Rule 26(f). This subpoena was not only served in advance of any such conference between the parties, but before Mr. Rodriguez has appeared in the action and possibly before Mr. Rodriguez was even served with the Summons and Complaint. The subpoena is also defective as it was not contemporaneously served on Mr. Rodriguez as required by Fed. R. Civ. Pro. 45(b) circumventing the purpose of the rule which is to afford an adequate opportunity for an adverse party to timely move to quash the subpoena.

We view the issuance of this subpoena, in its broader context, as an abuse of process. That context includes a complaint that we regard as patently not cognizable legally, the extraordinary circumstances of your traveling to personally serve Mr. Rodriguez and to thereupon communicate with him in an intimidating manner, including as Mr. Rodriguez reports, making a threat to put the story on Channel 2 news and the duplicative service of process on Mr. Rodriguez. We caution you that you and/or your client are at risk of sanctions and liability for what readily appears to be an effort to employ harassment to extract a settlement of a meritless lawsuit.



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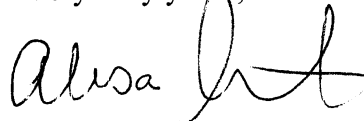
Andrew Laskin, Esq.

May 24, 2007

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If you do not advise us in writing by 2:00 pm today that the subpoena has been withdrawn, we will be forced to seek judicial intervention. We also ask that you advise us of who on behalf of Morgan Stanley (if anyone) has communicated with you concerning the subpoena.

Very truly yours,

A handwritten signature in black ink, appearing to read "Alisa" followed by a stylized, cursive flourish.

Alisa L. Silverstein

